IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:	Confirmation No.: 2928
ENOMOTO et al	Group Art Unit: 2155
Serial No.: 09/393,576	Examiner: K. Dinh
Filed: September 10, 1999	Attorney Docket No. 101216-09002

For: INTERNET INFORMATION DISPLAYING APPARATUS AND INTERNET INFORMATION DISPLAYING METHOD

BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 17, 2006

Sir:

By Notice of Appeal, timely filed October 27, 2005, along with a Pre-Appeal Brief Request for Review, the Applicants appeal the decision of the Examiner rejecting claims 23-31 in the Office Action mailed July 27, 2005. The Decision on the Request for Review was mailed January 17, 2006. Thus, this Appeal Brief is timely filed with a one-month Extension of Time.

This Brief and its Appendix are filed in triplicate with the filing fee ($500.00), along with a one-month Petition for Extension of Time. Please charge any additional fees that may be due with respect to this paper to Deposit Account No. 01-2300, **referencing Attorney Docket No. 101216-09002**.

I. INTRODUCTION

This is an appeal from an Office Action dated July 27, 2005, wherein claims 23-31 were rejected under 35 U.S.C. §103. The Office Action dated July 27, 2005, is the second Office Action after the filing of a second RCE in this application. In addition, a Pre-Appeal Brief Request for Review of the outstanding Office Action was filed October 27, 2005, and the Decision on the Request, mailed January 17, 2006, indicated that the application remains under appeal because there is at least one actual issue for appeal. Thus, the application qualifies for Appeal.

II. REAL PARTY IN INTEREST

The real party in interest is Sanyo Electric Company Ltd. of Osaka, Japan, as evidenced by the assignment recorded at the United States Patent and Trademark Office on July 9, 1997, at Reel 008674, Frames 0333-0334.

III. RELATED APPEALS AND INTERFERENCES

The Appellants, Appellants' legal representative, or assignee are not aware of any related appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

IV. STATUS OF CLAIMS

Claims 23-31 are rejected and are under appeal. Claims 1 to 22 are canceled. A copy of the claims under appeal can be found in Appendix I.

V. STATUS OF AMENDMENTS

All amendments have been entered.

VI. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present claims are directed to a method for receiving and displaying Internet information on a screen. As shown in Fig. 18, for example, when the

Internet screen is displayed, a menu screen, or tool bar TB, is displayed on the screen. The tool bar TB has a plurality of buttons, each representing a control function, e.g., "Return," "Advance," "Read Again," etc. (see page 53, lines 14-20).

As shown in Figs. 30 and 31, when a curser 48 is moved to a button, that button is magnified and displayed in a magnified state. The claimed invention also covers methods for selecting the button, and for displaying the magnified button. The aspects of the invention as claimed and under appeal are described below.

Claim 23

In the method recited in claim 23, as shown, for example, in Fig. 30, selecting an arbitrary button in the tool bar results in the magnification of only the selected button into a predetermined size in longitudinal and lateral directions, and the display of the selected, magnified button (see page 53, lines 21-24).

Claim 24

In the method recited in claim 24, as shown, for example, in Fig. 31, the displaying state of the selected button is magnified in the direction toward the center of the screen at the step of magnifying and displaying the selected button (see page 53, lines 21-24).

Claim 25

In the method recited in claim 25, as shown, for example, in Fig. 31, characters for expressing the function of the button are also displayed at the step of magnifying and displaying the selected button.

Claim 26

The method recited in claim 26, as shown, for example, in Fig. 32, further includes a step of varying the displaying state of the magnified and displayed button when executing the function of the selected button (see page 54, lines 5-11).

Claim 27

In the method recited in claim 27, as shown, for example, in Fig. 32, the selected button is displayed in a depressed state from the screen at the step of varying the displaying state of the magnified and displayed button when executing the function of the selected button (see page 54, lines 5-11).

Claims 28 and 29

In the method recited in claims 28 and 29, selecting an arbitrary button with a remote control or a wireless remote control results in the magnification of only the selected button, and the display of the selected, magnified button (see page 32, lines 3-9; page 53, lines 12-24; and Figs. 2, 9, and 30).

Claim 30

In the method recited in claim 30, as shown, for example, in Fig. 30, selecting an arbitrary button in the tool bar results in the magnification of only the selected button into a predetermined size in longitudinal and lateral directions, and the display of the selected, magnified button upon a single user action (see page 53, lines 21-24).

Claim 31

In the method recited in claim 31, as shown, for example, in Figs. 30 and 31, the displaying state of the selected button is magnified and moved in the direction toward the center of the screen at the step of magnifying and displaying the selected button upon a single user action (see page 53, lines 21-24).

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A Whether claims 23-27, 30 and 31 are unpatentable under 35 USC § 103(a) over U.S. Patent No. 5,898,819 to Austin et al. (hereinafter "Austin"), in view of U.S. Patent No. 5,491,781 to Gasperina (hereinafter, "Gasperina").

B Whether claims 28 and 29 are unpatentable under 35 U.S.C. § 103(a) over Austin in view of Gasperina and further in view of U.S. Patent No. 5,675,390 to Schindler (hereinafter, "Schindler").

VIII. GROUPING OF THE CLAIMS

For purposes of appeal, the claims may be grouped as follows:

Group I: Claims 23-27 and 30-31; and

Group II: Claims 28 and 29.

The groups of claims are argued individually in the following section, and do not stand or fall together. Within each group, the claims argued separately do not stand or fall together.

IX. ARGUMENT

Several basic factual inquiries must be made to determine obviousness or non-obviousness of patent application claims under 35 U.S.C. § 103. These factual inquiries are set forth in Graham v. John Deere Co., 383 U.S. 1,17,148 U.S.P.Q. 459, 467 (1996):

> Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; the level of ordinary skill in the pertinent art resolved. Against this backdrop, the obviousness or non-obviousness of the subject matter is determined.

The specific factual inquiries set forth in *Graham* have not been considered or properly applied by the Examiner formulating the rejections of claims 23-31. Particularly the differences between the prior art and the claims were not properly determined. As stated by the Federal Circuit in In re Ochiai, 37 U.S.P.Q. 2d 1127, 1131 (Fed. Cir. 1995):

> [t]he test of obviousness *vel non* is statutory. It requires that one compare the claim's subject matter as a whole with a prior art to which the subject matter pertains. 35 U.S.C. § 103.

> The inquiry is highly fact-specific by design.... When the references cited by the Examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned. In re Fine, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). (Emphasis added.)

When rejecting claims under 35 U.S.C. § 103, the Patent Office bears an initial burden of presenting a *prima facie* case of obviousness. As set forth in MPEP § 2142, three basic criteria must be met in order to establish a *prima facie* case of obviousness. First, the prior art reference must disclose or suggest all the claim features. Second, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Finally, there must be a reasonable expectation of success. The disclosure or suggestion to make the claimed combination and the reasonable expectation of success must *both* be found in the prior art, and not based on Applicant's disclosure.

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." In re Linter, 458 F.2d 1013, 1016, 173 U.S.P.Q. 560, 562 (CCPA 1972). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the nature of the problem to be solved, in the references themselves, or in the knowledge generally available to one of ordinary skill in the art. See In re Rouffet, 149 F.3d 1350, 1357, 47 U.S.P.Q. 2d. 1453, 1457-58 (Fed. Cir. 1998).

If an Office Action fails to establish a *prima facie* case, the rejection is improper and must be overturned. See In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q.2d 1955 (Fed. Cir. 1993). "If examination.... does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to the

grant of the patent." In re Oetiker, 977 F.2d 1443, 1445-1446 24 U.S.P.Q. 2d. 1443, 1444 (Fed. Cir. 1992).

The Appellant respectfully submits that none of the above rejections set forth in the July 27, 2005 Office Action are proper *prima facie* rejections under 35 U.S.C. § 103(a), because the combinations of prior art references cited fail to disclose or suggest the claimed invention and because it would not have been obvious to combine the references.

A Rejection of claims 23-27 and 30-31 under 35 U.S.C. § 103

Claims 23-27

In the outstanding Office Action dated July 27, 2005, claims 23-27 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,898,819 to Austin et al. (hereinafter "Austin"), in view of U.S. Patent No. 5,491,781 to Gasperina (hereinafter, "Gasperina"). In making this rejection, the Examiner asserted that Austin discloses:

> selecting an arbitrary (button 58 fig.2a) [sic], in said toolbar (fig.2a) [sic], magnifying and displaying said button (i.e., enlarge [sic] view of the button shown in fig.2b) displaying the button group and the individual buttons (buttons 54a-54i fig.2a) (see abstract, figs.2a, 2b, col.7 lines 14 to col.8 line 41 and col.9 lines 15-65) [sic].

Office Action, page 3.

Independent claim 23 recites, in part:

> selecting an arbitrary button in said tool bar; and
>
> magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button.

As noted above, the Examiner asserts that Austin discloses selecting an arbitrary button (e.g., button 58 in Fig. 2a of Austin) in said tool bar; and magnifying said selected button and displaying said selected, magnified button (in Fig. 2b of Austin).

The Appellant submits that Austin does not disclose, suggest, or imply magnifying any selected button, be it button 58 of Fig. 2a or otherwise, and displaying said selected, magnified button.

Austin discloses, beginning at col. 7, line 14:

> Fig. 2a depicts an initial presentation display screen 50 that is displayed on the monitor 31...
>
> A "View" menu 54c allows the user to view the presentation in different formats, including outline form, slide form, and black and white form. Of particular interest is the use of the black and white feature under the "View" menu and the black and white view button 58 located at the right end of the standard tool bar 60 for reasons to be described below.
>
> In FIG. 2a, a color presentation (not shown) is selected by one of the methods described above, either designing a new presentation or opening an existing presentation. After the color presentation is designed or selected, **the presentation can be converted to a standard black and white version of the presentation 62. This standard conversion is performed by clicking the black and white preview button 58** using the mouse 29. **An enlarged version of the preview button 58 is shown in FIG. 2b. When the black and white preview button 58 is selected, the color presentation is automatically changed to the black and white version of the presentation 62** as depicted on the presentation display area 52 of the presentation display screen 50.

Austin, col. 7, lines 14-15 and 38-57 (emphasis added).

Thus, as disclosed by Austin, Fig. 2b thereof merely illustrates "[a]n enlarged version of the preview button 58..." Austin, col. 7, lines 50-57. Fig. 2b is merely a drawing showing an enlarged view of the button 58, and is provided for the benefit of the patent reader. Austin does not disclose or suggest that selecting the button 58 results in magnification and display of the button 58. Rather, Austin discloses that selecting the button 58 results in a color presentation (not the button 58) being rendered in black and white. Selecting the button 58 of Austin does nothing to the button itself.

The Appellant submits that the Examiner's assertion that Austin teaches the aforementioned limitations is an error based upon a clear factual deficiency in the rejections, and not a matter of interpretation. It is impossible to misinterpret the fact that Austin does not disclose or even suggest that selecting the preview button 58 results in magnifying the preview button, and displaying the magnified preview button. The Examiner's assertion that, by providing the public with a drawing, i.e., Fig. 2b, of a close-up view of preview button 58, Austin teaches "selecting...an arbitrary button in said tool bar; and magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button," as recited in the pending claims, is a gross misrepresentation of the teachings of the reference, and not a matter of interpretation.

Fig. 2b of Austin, which the Examiner asserts teaches selecting a button and magnifying and displaying the selected button, is merely a drawing showing an enlarged view of the button 58, and is provided for the benefit of the patent reader. Austin does not disclose or suggest that selecting the button 58 results in magnification and display of the button 58. Rather, Austin discloses that selecting the button 58 results in a color presentation (not the button 58) being rendered in black and white. Selecting the button 58 of Austin does nothing to the button itself.

Moreover, the Appellant submits that, despite the fact that the subject application has been pending before the USPTO since September 10, 1999, (a period of nearly six and one-half years) the Austin reference was ***first*** cited in the outstanding Office Action dated July 27, 2005, i.e., nearly six years after the actual United States filing date of the subject application.

Gasperina is not cited for, nor does Gasperina cure the deficiencies of Austin described above.

Furthermore, the Appellants submit that Gasperina fails to disclose or suggest those portions of the claimed invention admitted by the Examiner as being deficient in Austin. Specifically, the Examiner admits that Austin does not

explicitly disclose magnifying said button into a predetermined size in longitudinal and lateral directions (Office Action, page 3, lines 8-9).

The Examiner asserts that Gasperina discloses magnifying a button into a predetermined size in longitudinal and lateral directions in the abstract; Figs. 1A and 1B; at col. 1, lines 31-60; and col. 3, line 6 – col. 4, line 65.

Beginning at col. 3, line 6, Gasperina discloses:

> In FIG. 1A, display screen 10 includes a window 12 in which a continuous heart rate wave form 14 is displayed. ECG data (for example, data recorded with a Holter monitor) is stored in the system in which screen 10 is incorporated. The computer derives heart rate from the ECG data. Heart rate waveform 14 is referred to herein as a computer file or as a graphical image. In FIG. 1B, a scroll box 16 is bi-directionally movable along a horizontal scroll bar 20 while a scroll box 18 is bi-directionally movable along a vertical scroll bar 22.
>
> Each scroll box includes a central portion, like central portions 24, 26 on scroll boxes 16, 18, respectively. Scroll box 24 includes a pair of end portions 28, 30 and scroll bar 18 includes upper and lower end portions 36, 38, respectively. The portions will be hereinafter referred to as "handles".
>
> A conventional mouse or other cursor control device (not shown) controls the position of a cursor (also not shown) formed on the monitor under control of the computer. A switch or button on the mouse may be depressed by the user to effect certain control operations. One of the control operations is referred to herein as dragging. A scroll box is moved by positioning the cursor on to the central portion thereof, thereafter depressing the mouse button and holding it down while moving the cursor (by moving the mouse) generally along the axis of the scroll bar, like scroll bar 20, in the desired direction. Such action moves the scroll box synchronously with the cursor. As the cursor moves, that portion of the heart rate waveform displayed in window 12 also changes responsive to the cursor movement.
>
> **In the view of FIG. 1A, all of the data in the file is displayed, i.e. 24 hours worth of heart rate data in this example.** The Holter recorder includes a clock which records the time of day of which each portion of

the data is recorded. The time of day is displayed along the lower portion of window 12. For example, the label "20:00" shown in FIG. 1A indicates data acquired at 8:00 p.m. The file thus contains data acquired between 8:00 a.m. and the same time 24 hours later.

As can be seen, the range of the displayed portion of the waveform changes between FIG. 1A and FIG. 1B, with only three hours of the heart rate waveform being displayed in FIG. 1B. As used herein the term range indicates the size of the viewed portion of the graph in the units in which the graph is measured, i.e., the horizontal axis of FIG. 1A is arranged at 24 hours full scale and the horizontal axis of FIG. 1B is arranged at three hours full scale (20:00-23:00). **The range is selected by the user by sizing the scroll box** as described later.

Referring to FIG. 1B, the next subsequent three-hour range of data can be viewed by positioning the cursor anywhere on scroll bar 20 to the right of horizontal scroll box 16 and clicking the mouse button. That portion is referred to herein as Next Region of the scroll bar. The result is shown in FIG. 1D (the data "wrapped around" to the beginning of the file). This procedure can be repeated to display subsequent three-hour sections of the waveform, or the mouse button held down to effect repeated movements of the scroll box.

A Prior Region can be viewed by clicking within that portion of the scroll bar 20 to the left of scroll box 16. For example, referring again to FIG. 1B, the range displayed is 20:00 (8:00 pm) to 23:00 (11:00 p.m.). To select the prior region, a cursor 35 is positioned within scroll bar 20 to the left of scroll box 16 and the mouse button is clicked. The result is shown in FIG. 1C, thus displaying the preceding three hours of the heart rate waveform. Referring to FIG. 1C, cursor 35 is positioned along scroll bar 20 to the fight of the scroll box 16. If the mouse button is clicked here, the result would be the next region, i.e. back to the display of FIG. 1B.

Gasperina, col. 3, line 6 – col. 4, line 9 (emphasis added).

Thus, Gasperina is directed to a method and apparatus for displaying a graphic image such as a heart rate waveform derived from ECG data. The

waveform is displayed in a scroll box, which can be resized in order to show all of the waveform or a portion of the waveform. For example, Fig. 1A of Gasperina illustrates the entire waveform showing 24 hours worth of heart rate data, whereas the "resized" scroll box of Fig. 1B of Gasperina shows only a waveform depicting 3 hours worth of heart rate data. The three hours worth of heart rate data displayed in the scroll box of Fig. 1B can be changed to the preceding or following three hours by clicking in an appropriate place with a horizontal scroll bar 20.

Gasperina does not disclose, suggest or imply magnifying any button into a predetermined size in longitudinal and lateral directions, as asserted by the Examiner in the outstanding Office Action.

Consequently, the combination of Austin and Gasperina does not disclose or suggest selecting an arbitrary button in said tool bar; and magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button, as recited in claims 23-27.

Moreover, in rejecting claims 23-27 under 35 U.S.C. § 103, the Appellant submits that the Examiner failed to provide sufficient motivation for combining the references. In the Office Action, the Examiner merely stated that the motivation for combining the references is found in certain advantages stated by the Examiner (see, e.g., Office Action, p. 3, lines 11-15). The Examiner, however, indicates nothing from within the applied references to evidence the desirability of the proposed combinations. This is an insufficient showing of motivation.

For all of these reasons, the Appellant submits that the rejection of claims 23-27 as being unpatentable overt Austin in view of Gasperina is improper, and withdrawal of the rejection is respectfully requested.

Claims 30 and 31

In the outstanding Office Action dated July 27, 2005, claims 30-31 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,898,819 to Austin et al. (hereinafter "Austin"), in view of U.S. Patent No.

5,491,781 to Gasperina (hereinafter, "Gasperina"). In making this rejection, the Examiner asserted that Austin discloses:

> selecting an arbitrary (button 58 fig.2a) [sic], in said toolbar (fig.2a) [sic], and displaying said selected button in a single user action (clicking the preview button, see abstract, figs.2a, 2b, col.7 lines 14 to col.8 line 41 and col.9 lines 15-65) [sic].

Office Action, page 4.

Independent claim 30 recites, in part:

> selecting an arbitrary button in said tool bar; and
>
> magnifying, in longitudinal and lateral directions, and displaying the selected button upon a single user action.

As explained above, Austin does not disclose, suggest, or imply selecting an arbitrary button in a tool bar, and magnifying and displaying the selected button. Moreover, Austin does not disclose, suggest, or imply selecting an arbitrary button in a tool bar, and magnifying and displaying the selected button upon a single user action, as recited in as recited in claim 30 and claim 31, which depends therefrom. Austin does not disclose or suggest magnifying and displaying a selected button in any way. Accordingly, Austin cannot and does not disclose or suggest doing so upon a single user action, as claimed.

Gasperina is not cited for, nor does Gasperina cure the deficiencies of Austin described above. Furthermore, as previously explained, Gasperina fails to disclose or suggest those portions of the claimed invention admitted by the Examiner as being deficient in Austin. Specifically, as explained above, Gasperina fails to disclose or suggest magnifying any button into a predetermined size in longitudinal and lateral directions. Accordingly, Gasperina cannot and does not disclose or suggest doing so upon a single user action, as recited in claims 30 and 31.

Consequently, the combination of Austin and Gasperina does not disclose, suggest or imply selecting an arbitrary button in said tool bar; and

magnifying and displaying the selected button upon a single user action, as recited in claims 30 and 31.

Moreover, in rejecting claims 30 and 31 under 35 U.S.C. § 103, the Appellant submits that the Examiner failed to provide sufficient motivation for combining the references. In the Office Action, the Examiner merely stated that the motivation for combining the references is found in certain advantages stated by the Examiner (see, e.g., Office Action, p. 5, lines 1-5). The Examiner, however, indicates nothing from within the applied references to evidence the desirability of the proposed combinations. This is an insufficient showing of motivation.

For all of these reasons, the Appellant submits that the rejection of claims 30 and 31 as being unpatentable overt Austin in view of Gasperina is improper, and withdrawal of the rejection is respectfully requested.

B Rejection of claims 28 and 29 under 35 U.S.C. § 103

The Examiner rejected claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Austin in view of Gasperina and further in view of U.S. Patent No. 5,675,390 to Schindler (hereinafter, "Schindler"). In making this rejection, the Examiner asserted that Austin discloses:

> selecting an arbitrary (button 58 fig.2a) [sic], in said toolbar (fig.2a) [sic], magnifying and displaying said button (i.e., enlarge [sic] view of the button shown in fig.2b) displaying the button group and the individual buttons (buttons 54a-54i fig.2a) (see abstract, figs.2a, 2b, col.7 lines 14 to col.8 line 41 and col.9 lines 15-65) [sic].

Office Action, page 3.

Claim 28 depends from independent claim 23, addressed above, and recites, in part:

> wherein said step of selecting an arbitrary button to be the selected button in the tool bar comprises selecting said arbitrary button with a wireless remote control.

Claim 29 recites, in part:

> selecting by a remote control an arbitrary button in said tool bar; and
>
> magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button.

The Appellant submits that Austin does not disclose suggest or imply magnifying and displaying any button by any means, as explained above with respect to claims 23-27 and 30-31. Further, Austin teaches nothing regarding a wireless remote control or any remote control. Accordingly, Austin does not disclose or suggest selecting, by a remote control or a wireless remote control, an arbitrary button in a tool bar, magnifying the selected button and displaying the selected, magnified button, as recited in claims 28 and 29.

Gasperina is not cited for, nor does Gasperina cure the deficiencies of Austin described above. Gasperina teaches nothing regarding a wireless remote control or any remote control. Furthermore, as explained above, Gasperina fails to disclose or suggest magnifying any button into a predetermined size in longitudinal and lateral directions, which is the admitted by the Examiner as being deficient in Austin.

Consequently, the combination of Austin and Gasperina does not disclose or suggest selecting by any remote control, an arbitrary button in a tool bar; and magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button, as recited in claims 28 and 29.

Schindler is not cited for, nor does Schindler cure the deficiencies that exist in the combination of Austin and Gasperina as described above. For Example, Schindler does not disclose or suggest selecting a button, magnifying the selected button, and displaying the selected, magnified button, as recited in claims 28 and 29.

Consequently, the combination of Austin, Gasperina and Schindler does not disclose or suggest selecting, by any remote control, an arbitrary button in

said tool bar; and magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button, as recited in claims 28 and 29.

In addition, the Appellant submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the remote control of Schindler with the devices of Austin and Gasperina. Austin and Gasperina are directed to applications performed on a desktop computer. Specifically, Austin is directed to a system for converting a color page to black and white so that color pages may be printed in black and white (see Austin, abstract). Gasperina is directed to a method and apparatus for displaying a graphical image, specifically, a graphical image of a patient's heart rate, in a scroll box. In contrast, Schindler is directed to a home entertainment system designed to be used with a large screen monitor in a family room (see Schindler at col. 8, lines 36-65 and col. 14, lines 41-50). Thus, the Appellant submits that there is no motivation to combine the teachings of these references as suggested in the outstanding Office Action.

Consequently, in rejecting claims 28 and 29 under 35 U.S.C. § 103, the Examiner failed to provide sufficient motivation for combining the references. In the Office Action, the Examiner merely stated that the motivation for combining the references is found in certain advantages stated by the Examiner (see, e.g., Office Action, p. 5, line 16 – p. 6, line 2). The Examiner, however, indicates nothing from within the applied references to evidence the desirability of the proposed combinations. This is an insufficient showing of motivation.

For all of these reasons, the Appellant submits that the rejection of claims 28 and 29 as being unpatentable overt Austin in view of Gasperina and further in view of Schindler is improper, and withdrawal of the rejection is respectfully requested.

X. Conclusion

For all of the above-noted reasons, it is strongly contended that clear differences exist between the present invention as recited in claims 23-31 and the prior art relied upon by the Office Action. It is further contended that these differences are such that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

The outstanding rejections being in error, therefore, it is respectfully requested that this Honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of claims 23-31.

Respectfully submitted,

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Enclosures: Appendix I - Claims on Appeal; Appendix II; Appendix III

APPENDIX I: CLAIMS ON APPEAL

23. (Previously Presented) An Internet information displaying method for receiving internet information, displaying it on the screen, and displaying a tool bar composed of plural buttons each representing control function on the screen, comprising steps of:

selecting an arbitrary button in said tool bar; and

magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button.

24. (Original) The Internet information displaying method as set forth in claim 23, wherein the displaying state of the selected button is magnified in the direction toward the center of the screen at said step of magnifying and displaying said selected button.

25. (Original) The Internet information displaying method as set forth in claim 23, wherein characters for expressing the function of the button are also displayed at said step of magnifying and displaying said selected button.

26. (Original) The Internet information displaying method as set forth is claim 23, further comprising step of varying the displaying state of said magnified and displayed button when executing the function of said selected button.

27. (Original) The Internet information displaying method as set forth in claim 26, wherein said selected button is displayed in a depressed state from the screen at the step of varying the displaying state of said magnified and displayed button when executing the function of said selected button.

28. (Previously Presented) A method as recited in Claim 23, wherein said step of selecting an arbitrary button to be the selected button in the tool bar comprises selecting said arbitrary button with a wireless remote control.

29. (Previously Presented) An Internet information displaying method for receiving Internet information, displaying it on the screen, and displaying a tool bar composed of plural buttons each representing control function on the screen, comprising the steps of:

selecting, by a remote control, an arbitrary button in said tool bar; and

magnifying only said selected button into a predetermined size in longitudinal and lateral directions and displaying said selected, magnified button.

30. (Previously Presented) An Internet information displaying method for receiving Internet information, displaying it on the screen, and displaying a tool bar composed of plural buttons each representing control function on the screen, comprising the steps of:

selecting an arbitrary button in said tool bar; and

magnifying, in longitudinal and lateral directions, and displaying the selected button upon a single user action.

31. (Previously Presented) The Internet information displaying method as set forth in claim 30, wherein the displaying state of the selected button is magnified and moved in the direction toward the center of the screen at said step of magnifying and displaying said selected button.

APPENDIX II: EVIDENCE

- None -

APPENDIX III: RELATED PROCEEDINGS

- None -